



## Zoning Administrator NOTICE OF DECISION

**Date:** September 2, 2014  
**Applicant:** Jagpal Deo, South Bay Veterinary Clinic  
**Case No.:** DRC 13-32  
**Site Address:** 1038 Broadway, Chula Vista, Ca.  
**Project Planner:** Richard E. Zumwalt, A.I.C.P.

Notice is hereby given that on September 2, 2014, the Zoning Administrator considered an Administrative Design Review application filed by Jagpal Deo (Property Owner), requesting approval of a remodel of the South Bay Veterinary Clinic building, located at 1038 Broadway in Chula Vista, Ca.

The Design Review application is for the expansion and remodeling of the South Bay Veterinary Hospital, which is an existing 3,257 square foot building at 1038 Broadway, with a 24-space parking lot in the rear portion of the 15,000 square foot lot. The project application requests approval of a Design Review Permit to allow construction of a 1,126 square foot, 2-story addition and re-design of the façade of the building facing Broadway, and remodeling of a 695 square foot portion of the existing building. The total square footage of the remodeled building would be 4,383 square feet. The expansion would include remodeled reception, exam, office and restroom areas. The subject property is designated as Mixed Use Residential (MUR) in the General Plan and is zoned Central Commercial – Precise Plan (CCP).

The Development Services Director has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and has determined that the Project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines. The proposed project requests construction of a 1,126 square foot, 2-story addition, re-design of the building façade, and a remodel of a 695 square foot portion of the existing building. The project qualifies for the Class 1 Categorical Exemption because the addition to the existing structure is less than 50% of the floor area before the addition. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Chula Vista Municipal Code (CVMC) Section 19.14.582.G, and based on the applicable design guidelines of the Design Manual, has conditionally approved the Project, based upon the following findings:

- 1. That the proposed development is consistent with the development regulations of the Chula Vista Municipal Code, and other applicable regulatory documents;*

The project is consistent with the Zoning Ordinance, Chapter 19 of the CVMC because the Veterinary Hospital use was established under previous County of San Diego and City of Chula Vista Commercial Thoroughfare (CT) zoning, and thus is a legal-non-conforming use. The project proposes a two-story addition and remodel of the façade of

the existing building that is 28 feet in height, has a 10 ft. front yard setback, and 24 space parking lot, which complies with the applicable development regulations of the current CCP zone.

- 2 *The design features of the proposed development are consistent with, and are a cost effective method of satisfying the City of Chula Vista Design and Landscape Manuals.*

The project includes a building façade remodel that features a variety of architectural elements including variable roof lines and roof forms such as single and second-story metal roof elements, a variety of materials such as stucco, glass storefront and limestone rock texture, and a variety of complimentary colors, thus the design is consistent with the commercial design guidelines of the Design Manual.

### CONDITIONS OF APPROVAL

The following conditions of approval shall be satisfied by the Applicant and/or Property owner to the satisfaction of the Director of Development Services Department prior to the issuance of the building permit for the Project, unless otherwise specified in the conditions of approval:

### DEVELOPMENT SERVICES DEPARTMENT:

Planning Division:

1. The Project Site shall be developed and maintained in accordance with the approved DRC-13-32 plans, which include the revised site plans, elevations and floor plan submitted July 31, 2014, subject to the following conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

---

Signature of Property Owner

---

Date

---

Signature of Authorized Representative

---

Date

3. The Applicant shall obtain approval of a Sign Permit from the City for construction of any new or modified signage.
4. The Applicant shall submit building plans for review and approval by the City, including the following exterior improvements:
  - a. Construction of a trash enclosure designed to meet the City's Recycling and Solid Waste standards. The trash enclosure must accommodate two-4 cubic yard bins which are minimum 56 inches deep and 81 inches wide each. An additional 2 inches for each side of the enclosure is required to maneuver the bins. The enclosure shall include a solid roof with a minimum height of 10 ft. to the bottom of the roof. The trash enclosure shall be graded and improved to prevent run-on into and run-off from the trash enclosure area.
  - b. Construction of a minimum 6 ft. high solid masonry wall or stucco fencing along the western property line to separate the project site from the adjacent single-family residentially-zoned property. The masonry wall or stucco fencing shall have no openings and must be architecturally treated on both sides and painted to blend with the design of the building. The height shall not exceed 6 feet. The use of razor wire shall not be permitted.
  - c. Roof drains serving the proposed addition shall be directed to drain into the existing landscape areas before discharge into storm drainage systems.
  - d. If external down-spouts are proposed for roof- drainage, they shall be painted to match the background wall color
5. If the proposed Building Permit includes exterior-mounted HVAC (Heating/Ventilation/Air Conditioning) equipment, the Applicant shall submit a noise report demonstrating that noise levels generated by the HVAC equipment at any adjacent residential property line would not exceed the City's Noise Control Ordinance exterior noise standards of 45 dBA Leq during hours of 10 pm to 7 am (weekdays) and 10 pm to 8 am (weekends); and 55 dBA Leq during the hours of 7 am to 10 pm (weekdays) and 8 am to 10 pm (weekends). This standard may be achieved by selection of equipment with low noise levels, or placement of equipment in a way that maximizes the distance to the property lines and uses buildings or other structures as noise barriers between equipment and property lines, or providing noise reduction enclosures around the equipment
6. Within 60 days of the completion of final inspection of the building addition, the Applicant shall replace any landscaping and trees disturbed during the construction process, and refresh the existing landscaping on the remainder of the site, including replacement of dead and missing plants, and maintenance and repair of the irrigation system.

7. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.600 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
8. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Design Review Permit.
9. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Design Review Permit.
10. The Applicant shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this design review permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant shall acknowledge their agreement to this provision by executing a copy of this design review permit where indicated, above. Applicant's compliance with this provision is an express condition of this design review permit and this provision shall be binding on any and all of Applicant's successors and assigns.
11. The Applicant shall pay in full any unpaid balance for the Project, including Deposit Account No. DQ1766.

**Building Division:**

The Applicant shall submit an application for building permits and required fees to the satisfaction of the City Building Official per the following requirements:

12. The Building Permit shall comply with all applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC) and Ca Handicapped Accessibility requirements, 2013 California Electrical Code, 2013 Fire Code, 2013 California Energy Code, and 2013 California Green Building Standards, as adopted and amended by the State of California and City of Chula Vista. Approval from the Planning, Engineering or Fire Department is required prior to permit issuance.

13. This project must be designed by an Architect or Engineer licensed by the State of California [California Business and Professional Code 5536.1, 6735].
14. The building permit plans shall comply with plan check comments for Building Permit B13-0467 to the satisfaction of the Development Services Department's Building, Engineering and Planning Divisions, and the Chula Vista Fire Department.
15. The permit shall include exterior walls that have a fire-resistance rating per CBC T-601 & T-602. Exterior wall openings are limited and shall have fire protection rating per CBC Ch.7.
16. The building permit plans shall show that disabled access has been provided throughout the site and building.
17. The building permit plans shall include a Building Code Data Legend on the title (first) sheet of the plans. Include the following for tenant space and adjacent space, code information for each building or space proposed:
  - a. Occupancy Group classification, CBC Ch. 3.
  - b. Type of Construction, CBC Ch. 6
  - c. Type of Fire Sprinklered (Full 13, 13R, 13D, not sprinklered), CBC Ch. 9.
  - d. Proposed and allowable Floor area, CBC Table 503
  - e. Proposed and allowable Number of Stories,
  - f. Proposed and allowable Building Height CBC 502.1
  - g. Provide calculation for Area and height increases
  - h. Mixed use Area Calculation for multiple occupancies

Engineering–Land Development Division:

The following conditions of approval shall be satisfied by the Applicant prior to issuance of the building permit, or at the timeframe specified in the condition:

18. The following fees shall be paid by the Applicant, based on the Final Building Plans submitted. Fees are charged for the project only, in excess of current land use:
  - i. Sewer connection and capacity fees;
  - j. Traffic Signal Fees
  - k. Public Facilities Development Impact Fees (PFDIF)
  - l. Western Transportation Development Impact Fees (WTDIF)
  - m. Other Engineering Fees as applicable per attached Master Fee Schedule.
19. Prior to obtaining any Building Permit for the Project, if project's total on-site improvements exceed Engineering Threshold of (currently: \$52,070.00), per CVMC, Section 12 24.020, then the applicant shall be required to obtain a Construction Permit from the Land Development Section of the Department of Development Services. (The On-Site Improvements Trigger for Installation of Public Improvements is adjusted on an annual basis on July 1 based on the Engineer Construction Cost Index, See Attachment).

If applicable, a Construction Permit is required to perform the following work in the City's right-of-way, which may include, but is not limited to:

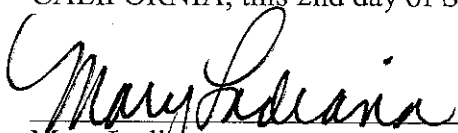
- n. Removal and replacement of any broken or damaged curb, gutter, and sidewalk per SDRSD G-2, and G-7 along the project's frontage to the satisfaction of the City Engineer. Sidewalk shall be designed and constructed with proper transitions to existing conditions.
  - o. Removal and replacement of existing driveway(s) meeting design standards as shown in Chula Vista Construction Standard CVCS-1A. Current Driveway(s) shall be replaced, if it does not meet the City of Chula Vista Design Standards and Americans with Disabilities Act (ADA) Standards, or if existing driveway is cracked or broken. Dedication of right of way may be required in order for the driveway to comply with ADA requirements.
20. If a Construction Permit is required, the Applicant shall pay the additional deposit or fee in accordance with the City Subdivision Manual and Master Fee Schedule with the submittal.
21. All utilities serving the proposed project shall be undergrounded pursuant to Municipal Code 15.32, if there's 600 ft of overhead on site.
22. The Applicant shall submit separate permits for other public utilities (gas, electric, water, cable, telephone) as necessary.
23. Any improvements in the right-of-way beyond the project limits shall be designed and constructed as to not interfere with adjacent businesses, as approved by the City Engineer.
24. The construction and completion of all improvements and release requirements shall be secured in accordance with Section 18.16.180 of the Municipal Code.
25. Any private facilities (if applicable) within Public right-of-way or City easement shall require an Encroachment Permit prior to Improvement Plan or Building Permit approval.
26. The Public Works Operations Section will need to inspect any existing sewer laterals and storm drain connections that are to be used by the new development. Laterals and connections may need replacement as a result of this inspection.
27. The onsite sewer and storm drain system shall be private. All sewer laterals and storm drains shall be privately maintained from each building unit to the City-maintained public facilities.
28. All proposed sidewalks, walkways, pedestrian ramps, and disabled parking shall be designed to meet the City of Chula Vista Design Standards, ADA Standards, and Title 24 standards, as applicable.

**FIRE DEPARTMENT:**

29. The applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to: the current California edition of Building Code (CBC), Fire Code (CFC), Mechanical Code, and Residential Code as adopted and amended by the State of California and the City of Chula Vista. The building permit submittal should include all items listed below and including but not limited to, the following:

- a. Occupant Load Analysis
- b. Egress Plan
- c. Photometric Drawing showing compliance with CBC Sect 1006 for emergency lighting.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this 2nd day of September, 2014.

  
\_\_\_\_\_  
Mary Ladiana,  
Zoning Administrator

cc Michael Watts, 2485 Madroncillo Street, San Diego, 92114  
Miguel Tapia, Senior Planner  
Lou El Khazen, Building Official

J:\Planning\Case files\Fy-13-14\DRC\ZA\DRC-13-32 Draft Notice of Dec.doc